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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/539,314	06/15/2005	Johannus Wilhelmus Weekamp	NI 021492	2479
24737 7590 01/27/2009 PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510				
EXAMINER				
SINGAL, ANKUSH K				
ART UNIT		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte JOHANNUS WILHELMUS WEEKAMP,
MARC ANDRE DE SAMBER, AND
ERIC CORNELIS EGBERTUS VAN GRUNSVEN

Application No. 10/539,314
Technology Center 2895

Mailed: January 27, 2009

Before DELORES LOWE, *Review Team Paralegal*
LOWE, *Review Team Paralegal*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on December 10, 2008. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matters requiring attention prior to docketing.

APPEAL BRIEF, GROUNDS OF REJECTION

A review of the file finds that the grounds of rejection of the claims as provided in the Appeal Brief filed December 14, 2007 under the heading “Grounds of rejection to be reviewed on appeal” is unclear and/or is not consistent with the grounds of rejection of claims of record. The grounds of rejection of the claims as provided in the Appeal Brief must be consistent with the last Office action of record, including any Advisory action responsive to any after final submissions. Each Grounds of rejection to be reviewed on appeal must be identified.

A review of the last Office action, including any mailed Advisory Action(s) finds that **claims 1-3, 5, 6, 7** are rejected under 35 U.S.C. 103(a) as being unpatentable over Lorentz et al. (US 6,324,072) in view of Nakatani et al (US PGPub 2002/0117743); **claim 4** is rejected under 35 U.S.C. 103(a) as being unpatentable over Lorentz et al. (US 6,324,072) in view of Nakatani et al. (US PGPub 2002/0117743) . . . further in view of Dubin et al. (US 4,897,327); and **claims 8-9** are rejected under 35 U.S.C. 103(a) as being unpatentable over Lorentz et al. (US 6,324,072) in view of Nakatani et al. (US PGPub 2002/0117743); whereas Appellants have either not indicated the grounds of rejection of these claims or has improperly listed these claims as claims 1 and 8 are

unpatentable under 35 U.S.C. § 103(a) as over U.S. Patent No. 6,324,072 (Lorentz) in view of U.S. Patent Application Publication No. 2002/0117743 (Nakatani). Correction of the Grounds of rejection to be reviewed on appeal for all claims is required.

EXAMINER'S ANSWER, HEADINGS

On September 4, 2008, an Examiner's Answer was mailed. A review of the file reveals that the required heading "(11) Related Proceedings Appendix" is missing from the Examiner's Answer. Appropriate correction is required.

Accordingly, it is **ORDERED** that the application is returned to the Examiner:

- 1) to hold the Appeal Brief filed on December 14, 2007 defective;
- 2) notify Appellants to file a paper properly addressing the Grounds of rejection of all claims;
- 3) issue and mail a PTOL-90 to include the missing heading "(11) Related Proceedings Appendix"; and
- 4) for such further action as may be appropriate.

Application No. 10/539,314

If there are any questions pertaining to this order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

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